

# TRANSMITTAL FORM

Application Serial Number 09/401,874  
 Filing Date September 23, 1999  
 First Named Inventor Engel  
 Group Art Unit 2114  
 Examiner Name Le, Diet Minh T.  
 Attorney Docket No. CON -004  
 Patent No. Not applicable  
 Issue Date Not applicable

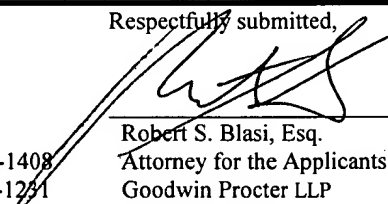
## ENCLOSURES (check all that apply)

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Check Attached<br><input type="checkbox"/> Copy of Fee Transmittal Form<br><input checked="" type="checkbox"/> Interview Summary (3 pgs.)<br><input type="checkbox"/> Preliminary<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]<br><input type="checkbox"/> Petition for Extension of Time<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Form PTO-1449<br><input type="checkbox"/> Copies of IDS Citations<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Sequence Listing submission<br><input type="checkbox"/> Paper Copy/CD<br><input type="checkbox"/> Computer Readable Copy<br><input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application<br><input type="checkbox"/> Formal Drawing(s)<br><input type="checkbox"/> Request For Continued Examination (RCE) Transmittal<br><input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application<br><input type="checkbox"/> Small Entity Statement<br><input type="checkbox"/> CD(s) for large table or computer program<br><input type="checkbox"/> Amendment After Allowance<br><input type="checkbox"/> Request for Certificate of Correction<br><input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences<br><input type="checkbox"/> Appeal Brief (in triplicate)<br><input type="checkbox"/> Status Inquiry<br><input checked="" type="checkbox"/> Return Receipt Postcard<br><input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8<br><input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8<br><input type="checkbox"/> Additional Enclosure(s) (please identify below) |
|--|---|---|

## CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
 Goodwin Procter LLP  
 Exchange Place  
 Boston, MA 02109  
 Tel. No.: (617) 570-1000  
 Fax No.: (617) 523-1231  
 Customer No. 051414

## SIGNATURE BLOCK

Respectfully submitted,  
  
 Date: June 17, 2005  
 Reg. No. 50,389  
 Tel. No.: (617) 570-1408  
 Fax No.: (617) 523-1231  
 Robert S. Blasi, Esq.  
 Attorney for the Applicants  
 Goodwin Procter LLP  
 Exchange Place  
 Boston, MA 02109

VER 12/00

LIBA/1554848.1



**PATENT**

Attorney Docket No. CON-004 (104027/155942)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Engel  
APPLICATION NO.: 09/401,874 ART UNIT: 2114  
FILING DATE: September 23, 1999 EXAMINER: Le, Diet Minh T.  
TITLE: Identifying a Failed Device in a Network

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INTERVIEW SUMMARY**

In response to the Office Action mailed on May 18, 2005, the Applicants respectfully submit this Interview Summary. The Applicants believe that no fees are due with this Response, but the Commissioner is hereby authorized to charge any required fees to Deposit Account No. 07-1700.

## REMARKS

### Interview Summary

We thank the Examiner for the courtesy of the telephonic interview held on May 9, 2005. In the interview, we discussed an item of prior art cited by the applicant in an information disclosure statement of January 8, 2004.

In particular, we discussed the patentability of the pending claims over United States Patent No. 5,436,909 to Dev et al. ("*Dev*"). The *Dev* reference provides a system for the "management of computer networks and, more particularly, to methods for isolation of faults in computer networks." *Dev* at col. 1, ln. 12–14.

As we discussed, the *Dev* reference makes clear that it does not communicate with neighboring network devices in response to a failure to communicate with a target device, which is the invention recited in the amended claims. Instead, *Dev* teaches a network management system using models of network entities, and the fault status of each network entity is contained in the corresponding model. See *id.* at col. 2, ln. 55–59. The step of determining the fault status of network devices neighboring the target device in *Dev* involves a "model of the first network device monitoring the fault status in models of all network devices adjacent to the first network device." *Id.* at col. 2, ln. 64–66 (emphasis added). See also *id.* at col. 10, ln. 62–col. 11, ln. 30.

That is, we claim a system that communicates with devices neighboring a network device suspected of failure. In contrast, the "fault-isolation technique" of *Dev* is implemented on top of a model-based representation of the network, and not by communicating directly with network devices themselves.

**CONCLUSION**

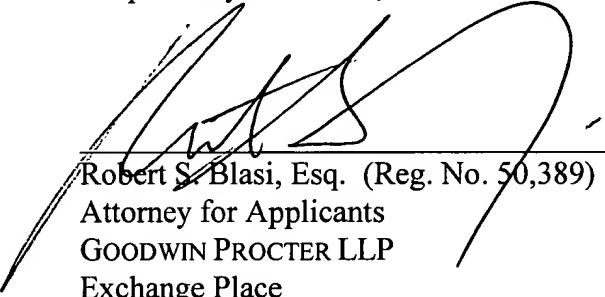
In light of the aforementioned interview, we respectfully submit that all of the pending claims are in condition for allowance. Accordingly, we respectfully request reconsideration, withdrawal of all grounds of rejection and objections, and allowance of all of the pending claims in due course.

If the Examiner believes that a telephone conversation with the Applicants' attorney would be helpful in expediting the allowance of this application, the Examiner is invited to call the undersigned at the number identified below.

Respectfully submitted,

Date: June 17, 2005

Tel. No.: (617) 570-1408  
Fax No.: (617) 523-1231



Robert S. Blasi, Esq. (Reg. No. 50,389)  
Attorney for Applicants  
GOODWIN PROCTER LLP  
Exchange Place  
53 State Street  
Boston, MA 02109



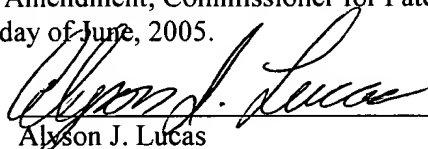
PATENT  
Attorney Docket No. CON-004 (104027/155942)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Engel  
SERIAL NO.: 09/401,874 GROUP NO.: 2114  
FILING DATE: September 23, 1999 EXAMINER: Le, Diet Minh T.  
TITLE: Identifying a Failed Device in a Network

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17<sup>th</sup> day of June, 2005.

  
Alyson J. Lucas

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Submitted herewith is/are:

1. Transmittal Form (1 pg.);
2. Interview Summary (3 pgs.); and
3. Return Receipt Postcard.

LIBA/1558669.1

LIBC/2122391.1